App. F. IX-4

Previous References.

195 2
(Arely)

File No. 7-52

Serial Nos. 1, 2, 3

Later References.

P-24=E

GENERAL AND REVENUE SECRETARIAT

Serial Nos. Three

Part B for June 53.

SUBJECT

Holding of Conferences, meetings, etc. within the premises of the protected ancient Monuments

WD 01425—GPB—25,000—15-9-1952.

To

The compiler M/G.

E 4057/Arely dt 5-6-53.

— Notifies the rules refered to in sl 2 —

15/10/53.

Serial No.

Letter no. 145 dated 22.5.1952 from the Director of Archaeology re: Holding of Conferences, Meetings etc. within the Premises of protected Ancient Monuments.

1) The Director of Archaeology states that holding of Conferences, Meetings etc. within the premises of the protected Ancient Monuments are likely to cause damage to Sculptures and requests in the circumstances explained to issue instructions to the Wardens and Watchmen who are Custodians of Ancient Monuments not to permit holding of Such Conferences.

2) Most of the protected Ancient Monuments are Temples which are under the Control of the Hindu Religious Commissioner Hence a draft calling for the remarks of the H.R.C. with the matter is submitted for approval

3) For kind perusal before issue

KAS
9.6.1952

9/6

41 Secy. (Edn. Secy.) 11/6/52

11/6

NOTE—Contn. Sheet.

2 Arch Holding of conferences, meetings etc. on Ancient Monuments

File No. of 19

General and Revenue Secretariat

Serial No.

Do.

The Mysore Commr.

No. E 3446 dated 23-6-52

Calls for his remarks on the matter

Letter No. S. 1346/51-52 dated 5.7.1952 from the Mysore Commissioner on the matter.

6) The Mysore Commissioner states that there appears to be no objection for issuing suitable instructions to the Dt. authorities not to permit the holding of Conferences, meetings etc. within the premises of Ancient Monuments etc. provided the existing rights of worship prayers etc. are not interfered with

7) Most of the important Ancient & Historical Monuments of the State have been taken over by Govt. of India under the Ancient & Historical preservation of Monuments (or National Importance) Act of 1951 declared Govt. of India

Serial No.

B

have since published in their Notification No. 7.4-Tr 157-A 2 dated 23-6-1952 that conferences meetings etc. should not be held in any monument maintained by Central Govt., except where such conferences, meetings, etc are held under the terms of Sec 5 or Section 15 of the Ancient Monuments preservation Act VII of 1904, as a matter of religious Connection or usage and that any person guilty of a breach of the above rule will be punishable with a fine which may extend to Rs.20/-.

8) Copies of the Govt. of India Notification referred to above have been forwarded to the undermentioned officers for information and necessary action on 11.7.1952 and there has been no further action taken by the Secretary in the matter.

1. The Director of Arch
2. The Surveyor Commr.
3. The Chief Engineer

9) Files for kind perusal.

10) If approved Copy of the Govt. of India notification dt 23-6-52 will be sent to all the Dist magistrates for

Note-Contn. Sheet.

Holding of Conferences meetings etc in the monuments maintained by Central Govt

File No. of 19

2222 Law

General and Revenue Secretariat

Serial No.	
	favour of information and necessary action
	- 11 -) Law Branch may also be
	Consulted if there is any need for issue of
	a Seperate notification by our States also
	since as per Govt of India notification,
	any person guilty of a breach of the
	rule shall be punishable with a fine
	which may extend to Rs twenty ;
	(sd) L S & Secy).
	31/7 (sd) For favour of Opinion with regards
	(sd) Law Secy)
	(sd) Law Secy)
	(1) The Notification issued by
	the Central Govt. applies to monuments
	maintained by the Central Govt. That
	notification has been issued in exercise
	of powers conferred under Section 15 - 23 of
	Ancient Monument Preservation Act (Act
	VII of 1904 Central). The Rule making
	Powers authorise inflicting a penalty
	for breach of any rule. Since the
	Notification applies in the State also (it
	has not been made applicable to any particular
	area and so extends to all areas to which
	the Act applies and the Act is extended to our
	State also by Act 3 States (Laws Act)),
	Notification in the Gazette of India is

2392/Eq

2q

1/A

4.8.52

4 AUG 1952

Law

4/8

4/8

Serial No.

Sufficient and has force of law whether it is republished in our Gazette or not.

16) I might also add that the above Notification has been republished in our Gazette on 31-7-52 for general information

(Law Secy)

NV
26/8

17) A — There is no need to issue any corporate notn by the State in respect of Monuments maintained by the Central Govt. But if a similar prohibition in respect of Monuments maintained by the State Govt is intended, a notn by the State will be necessary —

(Secy Law)

Ane
8/9

NV
8/9

(Sd) L
8/9/52

L
8/9

19) There are at present over 250 protected Ancient Monuments and Sites & in the State of which 108 Ancient Monuments and 8

27 AUG 1952

Note—Contn. Sheet.

Serial No.

Archaeological Sites have been declared by Govt. of India to be of National Importance. The restriction on account of maintenance and arrangements for watch and ward of the Monuments of National Importance appears to ~~the~~ above will be met from the Central Govt. from 1.4.1950. The Notification No. F.4-12/51-A2 dated 23.6.1952 issued by Govt. of India in the Ministry of Education prohibiting the holding of Conferences, Meetings, etc. in the Monuments of National Importance, equally applies to the 108 Ancient Monuments and 8 Archaeological Sites of the State which have been declared as of National Importance ~~not~~

'B'

2) Whether a similar prohibition is necessary in respect of the about 134 Ancient Monuments and Sites maintained by the State Govt. is a point for consideration. If it is considered necessary a separate Notification

Archy re prohibiting the holding of 2392 7
Conferences, meetings etc in

General and Revenue Secretariat | File No. of 19 | [App. F. III-2

Protected Ancient Monuments etc.

Serial No.

Office of the Minister for Law & Education
No. 5035
Date 20/10/52

will have to be issued on the lines of the Notification issued by Govt of India.

21) Submitted for orders Regarding Rules 17 supra

KAG
1.10.1952

20/10

22) The opinion of the director of Archaeology is to protect the Ancient monuments and the archaeological sites from holding of Conferences and meetings etc in the area by the A Notification on the lines issued by GOI with reference to the protected monuments of the State is necessary

Sy
5.X.52

Leg Sec) 23) Put up a draft notification.
Sy
6/10/52
Sy
6.X

24) A draft notification on the lines issued by Govt of India is submitted for kind approval This may be submitted to the Hon'ble Law Sec and the Minister for Law before issue

KAG
16.10.52

16/10

Leg Sec) 25) Sy 16.X Appvd Sy
Mins. for Law from Law Sec) 26) 16/10/52 27) Sy 16.X Secy 8/11/52
6/11.

NOTE—Contn. Sheet.

Archy prohibiting the holding of 2392
&
File No. Conferences etc in the protected of 19
2085/LD Ancient Monuments of the State

General and Revenue Secretariat

Serial No.

28) As per the O.M. issued from the Chief Secty By order and in the name of the Rajapramukh has been incorporated in the draft notification

29) This may be submitted to Law Dept before issue

KAS
11.11.1952

30) Dy
11.11

Leg Sec)

11/11

31) The form of opinion if the notification with the addition of the above is in order.

Law. Secy.)

12/11/52

Dy
12-XI

13 NOV 1952

Sri M.S.
W
14.11.52

32) Legis
12/11

13/11

33) The Ancient Monuments preservation Act 1904 (Central Act VII of 1904) applies to Ancient and Historical monuments and records, and archaeological sites and remains, ~~noted~~ noted in entry 67 of list I and entry 40 of list III of the Seventh Schedule attached to the constitution of India that is, Ancient and

prohibiting the holding of conferences, meetings, etc in the premises of the protected Ancient and historical monuments

Serial No. 2085/d9

historical monuments and records, and archaeological sites and remains, declared by parliament by law to be of national importance (entry 67 of the list I); and Archaeological sites and remains, other than those declared by parliament to be of national importance (entry 40 of list III)

34) Ancient and historical monuments and records noted in entry 12 of list II of Schedule to the constitution of India are to be governed by State Law, namely the Ancient Monuments preservation Act 1925 (Act IX of 1925).

35) Therefore the proposed notification has to be issued under Sections 15 and 23 of the Ancient Monuments preservation Act 1925 (Mysore Act IX of 1925). This notification will have to be previously published as required by sub-section (2) of section 23 and then finalised under Sections 15 and 23 of the State Act

36) A draft notification is put up for consideration

(Law Secy)

6 mas 27 NOV 1952

25/11/52 mas 25.11.52

37 27/11

Prohibiting the holding of Conferences etc.,
the protected ancient Monuments of the State.

10

File No. 208 A.D. of 19

General and Revenue Secretariat

Serial No.

38) The draft as now put forth by all right may be
~~Secy~~ adopted - The Central Act
applies only to monuments declared
to be of national importance by law -
Mysore Act applies to other memorials
Secy (Leg) 39) Ans 27/11

Law 27/11

40) Leg 1/12/52.

Secy
Ind A

41) 2/12/52

2/12

42) The Legislation Branch hence
opines that the Notification has
has to be issued under Sec 8.15
and 23 of the Ancient Monuments
preservation Act of 1925 (Mysore
Act IX of 1925), that this
Notification will have to be
previously published as required
by Sub-Section (2) of Sec 23 of
the Act and then finalised
under Sections 15 and 23 of the
Act. A draft accordingly has also been put up

43) A Copy of the Ancient Monuments'
preservation Act of 1925 (Act IX of 1925)
is put up herewith for kind reference
under Sub-Section (2) of Section 23, the

Serial No.

Office of the Minister for Law & Education.
No.....2071.....
Date 6-1-53.....

power to make rules by Govt is subject to the condition that the rules should be made after previous publication. But no definite period has been specified for previous publication and finalising the same under Sections 15 and 23 of the Act. As has been done by Govt in order a period of one month may perhaps be specified for finalising the Rules.

4(i) Draft Notification accordingly is submitted for kind approval.

KRS — 2.1.1953

4/2/53

2/1

4(ii) Sec Advt 4(a) For favour of approval 5/1/53 Hon'ble for Law, Edn. 5/1

4(b) 4/1

4(c) Advt 28/1 4(d) For perusal before issue 28/1/53 Chief Min. 28/1/53

28/1

491 20.2.53 50 Issue 21/2/53

23/2

Office of the Chief Minister
No .....611.....
Date of Receipt.....28/1/53

Prohibiting the Holding of Inference Etc

12

File No. 2085/AD — Protected Ancient monuments in the State — Secty 7-52

General and Revenue Secretariat

Serial No. 2392

E1

To

The Compiler Mysore Gazette

for Publication in the Gazette.

No E.15837/Arch D. 7/2/53.

Notifies the draft rules which Govt. proposes to make.

51) The draft Rules were published in the Mysore Gazette dated 2.4.1953 (vide flag "D") as required under Sections 15 & 23 of the Ancient Monuments' Preservation Act of 1925 (Mysore Act IX of 1925) and objections or suggestions to the draft rules were called for from the public and no objections or suggestions have been received.

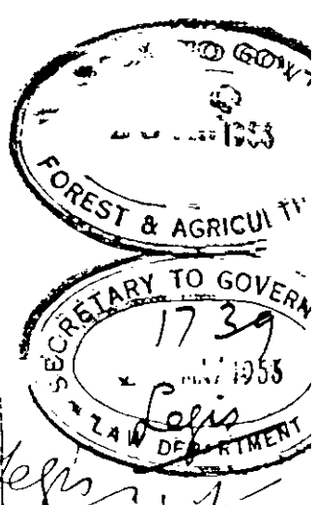
52) Hence a Notification finalising the Rules under Sns 15 & 23 of the said Act is put up. The said Notification may be signed if approved in consultation with the Legislation Dept.

KAG 22/5/1953.

Secy (AHX) 53) 22/5

52) 23/5/53

Law Secy. 23/5



Legis 23/5

Sec. 23/5. Sec. M/S 26/5

prohibiting the holding of conferences etc in the premises of the protected Ancient Monuments maintained by the State

File No. 2085/CI 2392/51 of 195

Serial No. Secy 752.

55). The draft notification seems to be legally in order

Law (4)
26/5

Rs 26/5

Secy 27/5

27/5

27/5/53

30/5

To, the Compiler H.Q.
E-405-7/8-5-6-53.
Copy to Heads of Depts.
" " Press Table

In continuation of Sl.2)
Notifies the Rules referred to in Sl.2)

B
15-6-53

SECRETARIAT 1833 27 MAY 1953 LAW DEPARTMENT

Form No. 46]

GOVERNMENT OF MYSORE

915/24-5

No. 145

OFFICE OF The Director of Archaeology,
Mysore.

Dated 21st May 1952.
22nd.

To

The Secretary to the Government of Mysore,
Local Self-Government Department,
BANGALORE.I.

Sir,

With reference to your Memo No.E.516-7 dated 17-4-52 forwarding a copy of letter addressed to the Secretary to the Government of India, Ministry of Education, New Delhi, regarding the draft rules proposed to be introduced under the Ancient Monuments Preservation Act of 1904, I write to state that many of the ancient monuments of the State are Muzrai institutions where there is worship and prayers are offered. It does not appear to be desirable therefore to accord permission to hold conferences, meetings, receptions, etc., within the premises of the protected ancient monuments since it would be difficult for the organisers of such functions to take precautions to prevent acts of pollution or damage to sculptures which are likely to be caused as a result of large gatherings of persons that are usually attracted

P.T.O.

on such occasions. Of course, it is necessary to permit the existing rights if any of worship, prayer and religious meetings only ~~if~~ in respect of any ancient monument.

In the circumstances explained, I beg to suggest that suitable instructions may kindly be issued to the District authorities who are the custodians of the ancient monuments not to permit the holding of any conference, meeting, reception etc., with in the precincts of the protected ancient monument in their jurisdiction.

Yours faithfully,

K) a a a a

(K. ~~Narayana Iyengar~~)
Director of Archaeology I/C. 22/5/12

RKN.

Appendix F. G.—1]

SUBJECT: Re: Holding of Conference, Meetings etc within the premises of the Protected Ancient Monuments

Section Arch

File No.

Serial No.

No. E.3446.

Diary No. of letter replied to.....

To

The Mysore Commr
in Mysore Bangalore

General and Revenue Secretariat

( )

the 19

Sir,

Date of issue 23.6.52 (Typed by Masti Signature)

In forwarding herewith a copy of the letter No. 145, dated 22/5/1952 received from the Director of Archaeology in Mysore on the subject above mentioned, I am directed to request you to be good enough to furnish your remarks in the matter.

Yours faithfully,

for Secy. to Govt.
KAS

Signed by.....

List of enclosures.....

Copied by.....

Examined by.....

VD 015460—GPB—30,000—25-9-51

C. F. No 461 **GOVERNMENT OF MYSORE** 23924 4

No. S.1346/51-52. **OFFICE OF the Muzrai Commissioner** 10/7/52

Encls. in Mysore, Bangalore.

Date 5th July 1952

To

The Secretary to the Government of Mysore,

Local Self-Government Department

Sir,

Holding of Conferences, Meetings, etc., within the premises of the Protected Ancient Monuments.

With reference to your letter No.E.3446 dated 23-6-52 on the above subject, I write to state that my remarks re. para (1) of letter No.145 dated 22nd May 1952 from the Director of Archaeology in Mysore, have already been furnished in my un-Official reply No.858 dated 25th March 1952.

Re. para (2), there appears to be no objection to the suggestion for issuing suitable instructions to the District authorities not to ~~issue~~ permit the holding of any conferences, meetings, etc., within the precincts of the monuments provided that the existing rights of worship, prayer and religious conferences in respect of such monuments which are used as places of worship are not interfered with.

Yours faithfully,

H.L. Nagegowda

(H.L. Nagegowda)
For Muzrai Commissioner
(Absent on leave.)

(TO BE PUBLISHED IN THE GAZETTE OF INDIA PART 2 SECTION 3)

No.F.4-12/51-A2
Government of India,
Ministry of Education,
New Delhi 2, the 23 June, 1952.

2003/51
30/6/52

NOTIFICATION.

In exercise of the powers conferred by sections 15 and 23 of the Ancient Monuments Preservation Act, ~~1904~~, (VII of 1904) the Central Government hereby makes the following rules, the same having been previously published as required by the said sections, namely:-

1. No conferences, meetings, receptions, poetical symposia, wrestling bouts, physical culture feats and other functions of a like nature shall be held in any monument maintained by the Central Government except where such conferences, meetings, receptions, poetical symposia, wrestling bouts, physical culture feats and other functions are held under the terms of a subsisting agreement under section 5 of the said Act or are held as a matter of religious convention or usage or by virtue of any special rules framed in respect of any particular monument or monuments under section 15 thereof.

2. Any person guilty of a breach of the foregoing rule shall be punishable with a fine which may extend to

P.T.O.

twenty rupees.

(Mrs. Bina Chatterjee)
Under Secretary.

To

The Manager,
Government of India Press,
New Delhi.

Copy forwarded to the Ministry of Law with reference to their U.O. No. 863/52 SRO dated 14th June 1952.

Copy forwarded to the Director General of Archaeology for information with reference to his U.O. No. 30 A/6/52-5935 dated 2nd May 1952.

Copy forwarded to all State Governments in continuation of this Ministry endorsement No. D.7373/51-A2 dated 28th January 1952.

By order,

(Mrs. Bina Chatterjee)
Under Secretary.

C. F. 74] **Routine Notes.** 2003

To be used only for notes, requisitions, etc., not intended for permanent record.] E

WD 015451—GPB—35,000—26-9-51

1. The WC of Army
2. The Municipal Comm
3. The Chief Engineer

1) Pl attach copies of the Notification with the forwarded to the marginally noted offices for information and necessary action

2) Draft order for approval

KRS 3) Kerala draft issued
3/7/1952

3/7/52

Log Sec) yes
4/7/52

Issued
577

4/7/52

N. B.—Should routine notes be written on small slips the notes must be copied or slips pasted on this form.

Appendix F/G.—1]

SUBJECT: Maintenance of Cemeteries, Memorials etc. in the Monuments maintained by Central Govt.

Section

File No.

Serial No.

Diary No. of letter replied to

No. E 4811-3

To

1. The Director of Archaeology in Mysore, Mysore.

2. The Municipal Commissioner in Mysore, Bangalore

3. The Chief Engineer in Mysore, Bangalore

Sir,

I am directed to forward herewith for your information & necessary action a copy of Notification No. F 4-12/51-A2 dated 23/6/1952 issued by the Ministry of Education, Govt. of India, New Delhi on the above subject.

Yours (Please type)

for Secy. to Govt.

KAS

General and Revenue Secretariat

( )

the 19

Date of issue 11.7.52

Signed by

List of enclosures

Copied by

Examined by

WD 015460—GPB—30,000—25-9-51

E 5837 Date 7-5-53 8

D 7/3

NOTIFICATION.

The following draft of rules which the Government of Mysore propose to make in exercise of the powers conferred by Sections 15 and 23 of the Ancient Monuments Preservation Act, 1925 (Mysore Act IX of 1925) are published as required by Sub-Section (2) of Section 23 of the said Act for the information of all persons likely to be affected thereby and notice is hereby given that the draft will be taken into consideration by the Government of Mysore after a period of one month from the date of this Notification.

Any objection or suggestion which may be received by the Secretary to Government, Forest & Agriculture Department, Old Public Offices, Bangalore, from any person in respect of the draft before the period specified above will be considered by the Government of Mysore.

DRAFT RULES.

1. No conferences, meetings, receptions, poetical symposia, wrestling bouts, physical culture feats and other functions of a like nature - shall be held in any Monument maintained by the Government of Mysore except where such conferences, meetings, receptions, poetical symposia, wrestling bouts, physical culture feats and other functions are held under the terms of a subsisting agreement under Section 5 of the said Act or are held as a matter of religious convention or usage or by virtue of any special rules framed in respect of any particular monument or monuments under Section 15 thereof.

2. Any person guilty of a breach of the foregoing rule shall be punishable with a fine which may extend to twenty rupees.

By Order and in the name of
the Rajpramukh.

DRAFT)

Secretary to Government,
Forest & Agriculture Deptt.

To

The Compiler, Mysore Gazette
for publication in the Gazette.

Appendix F. G.—1]

SUBJECT.....

Section

File No.

Serial No.

Diary No. of letter replied to..... .....

No.

To

Notification

General and Revenue Secretariat

( )

the 19

The following draft of rules which the Government of Mysore propose to make in exercise of the powers conferred by Sections 15 and 23 of the Ancient Monuments preservation Act, 1925 (Mysore Act IX of 1925) is published as required by sub-section (2) of Section 23 of the said Act for the information of all persons likely to be affected thereby and notice is hereby given that the draft will be taken into consideration by the Govt of Mysore after a period of one month from the date of this notification. Any objection or suggestion which may be received by the Secretary to Government, Local Self Government Dept., Old public offices, Bangalore 1 from any person in respect of the draft

Date of issue..... .....

Signed by..... .....

(Date and month to be specified by the Secretariat)

List of enclosures.....

Copied by..... .....

Examined by..... .....

before the date specified will be considered by the Govt of Mysore

Draft ~~Rules~~ Rules

No conferences, meetings, receptions, poetical symposia, wrestling bouts, physical culture feats and other functions of a like nature shall be held in any monument maintained by the ~~State~~ Govt of Mysore, except where such conferences, meetings, receptions, poetical symposia, wrestling bouts, physical culture feats and other functions are held under the terms of a subsisting agreement under Section 5 of the said Act or are held as a matter of religious convention or usage or by virtue of any special rules framed in respect of any particular monument or monuments under Section 16 thereof.

2 Any person guilty of a breach of the foregoing rule shall be punishable with a fine which may extend to twenty rupees.

By order and in the name of the Rajpramukh.

Govt to Govt

25/11. A.V.S. Dept II

To The Compiler Cfz

Mas 25.11.52

E.4057/ Archy 7-52-3
Dated 5-6-53

NOTIFICATION.

In exercise of the powers conferred by Sections 15 and 23 of the Ancient Monuments Preservation Act, 1925 (Mysore Act IX of 1925) the Government of Mysore are pleased to make the following rules, the draft of the same having been published in the Mysore Gazette dated 2nd April 1953, in Notification No.E.15837/Archy. 7-52-2 dated 7-3-1953 as required by the said Sections:-

RULES.

(Herein please type the two Rules
from the Notification dated 7-3-1953)

By Order and in the name of
the Rajpramukh.

DRAFT)

Secretary to Government,
F. & A. Departments.

22/5

KAS
22/5/53

To

The Compiler, Mysore Gazette for publication
in the Gazette and supplying 150 copies of
the Notification to the Education Br.,
M.G.S., Bangalore.

Copy to Heads of Departments.

Copy to Press Table.

NOTIFICATION.

In exercise of the powers conferred by Sections 15 and 23 of the Ancient Monuments Preservation Act, 1904 (VII of 1904) it is hereby directed that no conferences, meetings, receptions, poetical symposia, wrestling bouts, physical culture feats and and other functions of a like nature shall be held in any protected Ancient Monument maintained by the Government of Mysore except where such conferences, meetings, receptions, poetical symposia, wrestling bouts, physical culture feats and other functions are held under the terms of a subsisting agreement under Section 5 of the said Act or are held as a metter of religious convention or usage or by virtue of any special rules framed in respect of any particular monument or monuments under Sections thereof.

Any person guilty of a breach of the foregoing rule shall be punishable with a fine which may extend to twenty rupees.

B.O. ~~of H.H. the Maharaja~~, and in the name of the Raja pramukh

DRAFT)

L.S.G. Secretary to Government.

16/10

To

The Compiler Mysore Gazette for publication in the Gazette and supplying 250 copies of the Notification to the Education Branch, G.R.S., Bangalore.

Copy to the HEADS OF DEPARTMENTS.
Copy to PRESS TABLE.

THE ANCIENT MONUMENTS PRESERVATION ACT, 1925.

ACT. No. IX OF 1925.

Price Re. 0-2-0

ACT No. IX OF 1925.

The Ancient Monuments Preservation Act, 1925.

CONTENTS.

Sections.

1. Short title and extent.
2. Definitions.
3. Protected monuments.

Ancient Monuments.

4. Acquisition ot rights in or guardianship of an ancient monument.
5. Preservation of ancient monument by agreement.
6. Owners under disability or not in possession.
7. Enforcement of agreement.
8. Purchasers at certain sales and persons claiming through owner bound by instrument executed by owner.
9. Application of endowment to repair of an ancient monument.
10. Compulsory purchase of ancient monument.
11. Maintenance of certain protected monuments.
12. Voluntary contributions.
13. Protection of place of worship from misuse, pollution or desecration.
14. Relinquishment of Government rights in a monument.
15. Right of access to certain protected monuments.
16. Penalties.

Traffic in Antiquities.

17. Power to Government to control traffic in antiquities.

Protection of Sculptures, Carvings, Images, Bas-reliefs, Inscriptions or like objects.

18. Power to Government to control moving of sculptures, carvings or like objects.
19. Purchase of sculptures, carvings or like objects by the Government.

Excavations.

20. Power to Government to control excavation.

General.

21. Assessment of market value or compensation.
22. Jurisdiction.
23. Power to make rules.
24. Protection to public servants acting under Act.

ACT *No.* IX OF 1925.

(Received the Assent of His Highness the Maharaja on the 9th day of July 1925.)

An Act to Provide for the Preservation of Ancient Monuments and of Objects of Archæological, Historical or Artistic Interest.

WHEREAS it is expedient to provide for the preservation of ancient monuments, for the exercise of control over traffic in antiquities and over excavation in certain places and for the protection and acquisition in certain cases of ancient monuments and of objects of archæological, historical or artistic interest; His Highness the Maharaja is pleased to enact as follows:—

Short title and extent.

1. (1) This Act may be called the Ancient Monuments Preservation Act, 1925.

(2) It extends to the whole of Mysore.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(1) "ancient monument" means any structure, erection or monument, or any tumulus or place of interment, or any cave, rock-sculpture, inscription or monolith, which is of historical, archæological or artistic interest, or any remains thereof and includes,—

(*a*) the site of an ancient monument;

(*b*) such portion of land adjoining the site of an ancient monument as may be required for fencing or covering in or otherwise preserving such monument; and

(*c*) the means of access to and convenient inspection of an ancient monument;

(2) "antiquities" include any movable objects which the Government, by reason of their historical or archæological associations, may think it necessary to protect against injury, removal or dispersion;

(3) "Commissioner" includes any officer authorized by the Government to perform the duties of a Commissioner under this Act;

(4) "maintain" and "maintenance" include the fencing, covering in, repairing, restoring and cleansing of

a protected monument, and the doing of any act which may be necessary for the purpose of maintaining a protected monument or of securing convenient access thereto ;

(5) "land" includes a revenue-free estate, a revenue-paying estate, and a permanent transferable tenure, whether such estate or tenure be subject to incumbrances or not ; and

(6) "owner" includes a joint owner invested with powers of management on behalf of himself and other joint owners, and any manager or trustee exercising powers of management over an ancient monument, and the successor in title of any such owner and the successor in office of any such manager or trustee :

Provided that nothing in this Act shall be deemed to extend the powers which may lawfully be exercised by such manager or trustee.

Protected monuments.

3. (1) The Government may, by notification in the official Gazette, declare an ancient monument to be a protected monument within the meaning of this Act.

(2) A copy of every notification published under sub-section (1) shall be fixed up in a conspicuous place on or near the monument, together with an intimation that any objections to the issue of the notification received by the Government within two months from the date when it is so fixed up will be taken into consideration.

(3) On the expiry of the said period of two months, the Government, after considering the objections, if any, shall confirm or withdraw the notification.

(4) A notification published under this section shall, unless and until it is withdrawn, be conclusive evidence of the fact that the monument to which it relates is an ancient monument within the meaning of this Act.

Ancient Monuments.

Acquisition of rights in or guardianship of an ancient monument.

4. (1) The Deputy Commissioner, with the sanction of the Government, may purchase or take a lease of any protected monument.

(2) The Deputy Commissioner, with the like sanction, may accept a gift or bequest of any protected monument.

(3) The owner of any protected monument may, by written instrument, constitute the Commissioner the guardian of the monument, and the Commissioner may, with the sanction of the Government, accept such guardianship.

(4) When the Commissioner has accepted the guardianship of a monument under sub-section (3), the owner shall, except as expressly provided in this Act, have the same estate, right, title and interest in and to the monument as if the Commissioner had not been constituted guardian thereof.

(5) When the Commissioner has accepted the guardianship of a monument under sub-section (3), the provisions of this Act relating to agreements executed under section 5 shall apply to the written instrument executed under the said sub-section.

(6) Where a protected monument is without an owner, the Commissioner may assume the guardianship of the monument.

Preservation of ancient monument by agreement.

5. (1) The Deputy Commissioner may, with the previous sanction of the Government, propose to the owner to enter into an agreement with the Government of Mysore for the preservation of any protected monument in his district.

(2) An agreement under this section may provide for the following matters, or for such of them as it may be found expedient to include in the agreement :—

(*a*) the maintenance of the monument;

(*b*) the custody of the monument, and the duties of any person who may be employed to watch it;

(*c*) the restriction of the owner's right to destroy, remove, alter or deface the monument or to build on or near the site of the monument;

(*d*) the facilities of access to be permitted to the public or to any portion of the public and to persons deputed by the owner or the Deputy Commissioner to inspect or maintain the monument;

(*e*) the notice to be given to the Government in case the land on which the monument is situated is offered for sale by the owner, and the right to be reserved to the Government to purchase such land, or any specified portion of such land, at its market value;

(*f*) the payment of any expenses incurred by the owner or by the Government in connection with the preservation of the monument;

(*g*) the proprietary or other rights which are to vest in the Government in respect of the monument when any expenses are incurred by the Government in connection with the preservation of the monument.

(*h*) the appointment of an authority to decide any dispute arising out of the agreement; and

(*i*) any matter connected with the preservation of the monument which is a proper subject of agreement between the owner and the Government.

(3) An agreement under this section may be executed by the Deputy Commissioner on behalf of the Government of Mysore, but shall not be so executed until it has been approved by the Government.

(4) The terms of an agreement under this section may be altered from time to time with the sanction of the Government and with the consent of the owner.

(5) With the previous sanction of the Government, the Deputy Commissioner may terminate an agreement under this section on giving six months' notice in writing to the owner.

(6) The owner may terminate an agreement under this section on giving six months' notice to the Deputy Commissioner.

(7) An agreement under this section shall be binding on any person claiming to be owner of the monument to which it relates, through or under a party by whom or on whose behalf the agreement was executed.

(8) Any rights acquired by Government in respect of expenses incurred in protecting or preserving a monument shall not be affected by the termination of an agreement under this section.

Owners under disability or not in possession.

6. (1) If the owner is unable, by reason of infancy or other disability to act for himself, the person legally competent to act on his behalf may exercise powers conferred upon an owner by section 5.

(2) In the case of village property, the head man or other village officer exercising powers of management over such property may exercise the powers conferred upon an owner by section 5.

(3) Nothing in this section shall be deemed to empower any person not being of the same religion as the persons on whose behalf he is acting to make or execute an agreement relating to a protected monument which or any part of which is periodically used for the religous worship or observances of that religion.

Enforcement of agreement.

7. (1) If the Deputy Commisioner apprehends that the owner or occupier of a monument intends to destroy, remove, alter, deface or imperil the monument or to build on or near the site thereof in contravention of the terms

of an agreement for its preservation under Section 5, the Deputy Commissioner may make an order prohibiting any such contravention of the agreement.

(2) If an owner or other person who is bound by an agreement for the preservation or maintenance of a monument under section 5 refuses to do any act which is in the opinion of the Deputy Commissioner necessary to such preservation or maintenance or neglects to do any such act within such reasonable time as may be fixed by the Deputy Commissioner, the Deputy Commissioner may authorise any person to do any such act and the expense of doing any such act or such portion of the expense as the owner may be liable to pay under the agreement may be recovered from the owner as if it were an arrear of land revenue.

(3) A person aggrieved by an order made under this section may appeal to the Commissioner who may cancel or modify it and whose decision shall be final.

Purchasers at certain sales and persons claiming through owner bound by instrument executed by owner.

8. Every person who purchases, at a sale for arrears of land revenue or ony other public demand, an estate or tenure in which is situated a monument in respect of which any instrument has been executed by the owner for the time being, under Section 4 or Section 5 and every person claiming any title to a monument from, through or under an owner who executed any such instrument shall be bound by such instrument.

Application of endowment to repair of an ancient monument.

9 (1) If any owner or other person competent to enter into an agreement under Section 5 for the preservation of a protected monument, refuses or fails to enter into such an agreement when proposed to him by the Deputy Commissioner, and if any endowment has been created for the purpose of keeping such monument in repair, or for that purpose among others, the Deputy Commissioner may institute a suit in the Court of the District Judge, or, if the estimated cost of repairing the monument does not exceed one thousand rupees, may make an application to the District Judge for the proper application of such endowment or part thereof.

(2) On the hearing of an application under subsection (1), the District Judge may summon and examine the owner and any person whose evidence appears to him necessary, and may pass an order for the proper application of the endowment or of any part thereof, and any such order may be executed as if it were a decree of a civil court.

Compulsory purchase of ancient monument.

10. (1) If the Government apprehends that a protected monument is in danger of being destroyed, injured or allowed to fall into decay, the Government may proceed to acquire it under the provisions of the Land Acquisition Regulation, 1894, as if the preservation of a protected monument were a "public purpose" within the meaning of that Act.

(2) The powers of compulsory purchase conferred by sub-section (1) shall not be exercised in the case of –

(*a*) any monument which or any part of which is periodically used for religious observances; or

(*b*) any monument which is the subject of a subsisting agreement executed under Section 5.

(3) In any case other than the cases referred to in sub-section (2) the said powers of compulsory purchase shall not be exercised unless the owner or other person competent to enter into an agreement under Section 5 has failed, within such reasonable period as the Deputy Commissioner may fix in this behalf, to enter into an agreement proposed to him under the said section or has terminated or given notice of his intention to terminate such an agreement.

Maintenance of certain protected monuments.

11. (1) The Commissioner shall maintain every monument in respect of which the Government has acquired any of the rights mentioned in Section 4 or which the Government has acquired under Section 10.

(2) When the Commissioner has accepted the guardianship of a monument under Section 4, he shall, for the purpose of maintaining such monument, have access to the monument at all reasonable times, by himself and by his agents, subordinates and workmen, for the purpose of inspecting the monument, and for the purpose of bringing such materials and doing such acts as he may consider necessary or desirable for the maintenance thereof.

Voluntary contributions.

12. The Commissioner may receive voluntry contributions towards the cost of maintaining a protected monument and may give orders as to the management and application of any funds so received by him

Provided that no contribution received under this section shall be applied to any purpose other than the purpose for which it was contributed.

Protection of place of worship from misuse, pollution or desecration.

13. (1) A place of worship or shrine maintained by the Government under this Act shall not be used for any purpose inconsistent with its character.

(2) Where the Deputy Commissioner has, under Section 4, purchased or taken a lease of any protected monument, or has accepted a gift or bequest, or the Commissioner has, under the same section, accepted the guardianship thereof, and such monument, or any part thereof, is periodically used for religious worship or observances by any community, the Deputy Commissioner shall make due provision for the protection of such monument or such part thereof, from pollution or desecration—

(*a*) by prohibiting the entry therein, except in accordance with conditions prescribed with the concurrence of the persons in religious charge of the said monument or part thereof, of any person not entitled so to enter by the religious usages, of the community by which the monument or part thereof is used, or

(*b*) by taking such other action as he may think necessary in this behalf.

Government right in a monument.

14. With the sanction of the Government, the Commissioner may—

(*a*) where rights have been acquired by Government in respect of any monument under this Act by virtue of any sale, lease, gift or will, relinquish the rights so acquired to the person who would for the time being be the owner of the monument if such rights had not been acquired; or

(*b*) relinquish any guardianship of a monument which he has accepted under this Act.

Right of access to certain protected monuments.

15. (1) Subject to such rules as may after previous publication be made by the Government, the public shall have a right of access to any monument maintained by the Government under this Act.

(2) In making any rule under sub-section (1), the Government may provide that a breach of it shall be punishable with fine which may extend to twenty rupees.

Penalties.

16. Any person other than the owner who destroys, removes, injures, alters, defaces or imperils a protected monument, and any owner who destroys, removes, injures, alters, defaces or imperils a monument maintained by Government under this Act or in respect of which an agreement has been executed under Section 5, and any owner or occupier who contravenes an order made under section 7, sub-section (1), shall be punishable with fine which may extend to five thousand rupees or with imprisonment which may extend to three months, or with both.

Traffic in Antiquities.

Power to Government to control traffic in antiquities.

17. (1) If the Government of Mysore apprehend that antiquities are being sold or removed to the detriment of Mysore or of any neighbouring province or State, it may, by notification in the official Gazette, prohibit or restrict the bringing or taking of any antiquities or class of antiquities described in the notification into or out of Mysore or any specified part of Mysore.

(2) Any person who brings or takes or attempts to bring or take any such antiquities into or out of Mysore or any part of Mysore in contravention of a notification issued under sub-section (1) shall be punishable with fine which may extend to five hundred rupees.

(3) Antiquities in respect of which an offence referred to in sub-section (2) has been committed shall be liable to confiscation.

(4) An officer of Police of a grade not lower than Sub-Inspector, duly empowered by the Government in this behalf, may search any cart or other means of conveyance, and may open any baggage or package of goods, if he has reason to believe, that goods in respect of which an offence has been committed under sub-section (2) are contained therein.

(5) A person who complains that the power of search mentioned in sub-section (4) has been vexatiously or improperly exercised, may address his complaint to Government, and the Government shall pass such order and may award such compensation, if any, as appears to it to be just.

Protection of Sculptures, Carvings, Images, Bas-reliefs, Inscriptions or like objects.

Power to Government to control moving of sculptures, carvings or like objects.

18. (1) If the Government considers that any sculptures, carvings, images, bas-reliefs, inscriptions or other like objects ought not to be moved from the place where they are without the sanction of the Government, the Government may, by notification in the official Gazette, direct that any such object or any class of such objects shall not be moved unless with the written permission of the Deputy Commissioner.

(2) A person applying for the permission mentioned in sub-section (1) shall specify the object or objects which he proposes to move, and shall furnish, in regard to such object or objects, any information which the Deputy Commissioner may require.

(3) If the Deputy Commissioner refuses to grant such permission, the applicant may appeal to the Commissioner, whose decision shall be final.

(4) Any person who moves any object in contravention of a notification issued under sub-section (1), shall be punishable with fine which may extend to five hundred rupees.

(5) If the owner of any property proves to the satisfaction of the Government that he has suffered any loss or damage by reason of the inclusion of such property in a notification published under sub-section (1), the Government shall either—

(*a*) exempt such property from the said notification;

(*b*) purchase such property, if it be movable, at its market value;

(*c*) pay compensation for any loss or damage sustained by the owner of such property, if it be immovable.

Purchase of sculptures, carvings or like objects by the Government.

19. (1) If the Government apprehends that any object mentioned in a notification issued under section 18, sub-section (1), is in danger of being destroyed, removed, injured or allowed to fall into decay, the Government may pass orders for the compulsory purchase of such object at its market value, and the Deputy Commissioner shall thereupon give notice to the owner of the object to be purchased.

(2) The power of compulsory purchase given by this section shall not extend to—

(*a*) any image or symbol actually used for the purpose of any religious observance; or

(*b*) anything which the owner desires to retain on any reasonable ground personal to himself or to any of his ancestors or to any member of his family.

Excavations.

Power to Government to control excavation.

20. (1) If the Government is of opinion that excavation within the limits of any local area ought to be restricted or regulated for the purpose of protecting or preserving any ancient monument, the Government may, by notification in the official Gazette, make rules—

(*a*) fixing the boundaries of the area to which the rules are to apply; and

(*b*) prescribing the authority by which, and the terms on which, licenses to excavate may be granted.

(2) The power to make rules given by this section s subject to the condition of the rules being made after previous publication.

(3) A rule made under this section may provide that any person committing a breach thereof shall be punishable with fine which may extend to two hundred rupees.

(4) If any owner or occupier of land included in a notification under sub-section (1), proves to the satisfaction of the Government that he has sustained any loss by reasons of such land being so included, the Government shall pay compensation in respect of such loss.

General.

Assessment of market value or compensation.

21. The market value of any property which Government is empowered to purchase at such value under this Regulation or the amount of compensation to be paid by Government in respect of anything done under this Act shall, where any dispute arises touching the amount of such market value or compensation, be ascertained in the manner provided by the Land Acquisition Regulation, 1894, sections 3, 8 to 34, 45 to 47, 51 and 52, so far as they can be made applicable:

Provided that when making an inquiry under the said Land Acquisition Regulation, 1894, the Deputy Commissioner shall be assisted by two assessors, one of whom shall be a competent person nominated by the Deputy Commissioner and one a person nominated by the owner or, in case the owner fails to nominate an assessor within such reasonable time as may be fixed by the Deputy Commissioner in this behalf, by the Deputy Commissioner.

Jurisdiction.

22. A Magistrate of the third class shall not have jurisdiction to try any person charged with an offence against this Act.

Power to make rules.

23. (1) The Government may make rules for carrying out any of the purposes of the Act.

(2) The power to make rules given by this section is subject to the condition of the rules being made after previous publication.

Protection to public servants acting under Act.

24. No suit for compensation and no criminal proceeding shall lie against any public servant in respect of any act done or intended to be done in good faith in the exercise of any power conferred by this Act.

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